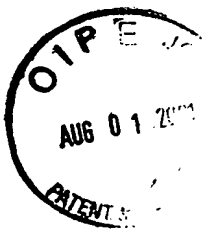


2152 #5



PATENT  
SCEA 3.0-005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of :  
Taylor :  
: Group Art Unit: 2152  
Application No. 09/810,600 :  
: Examiner: Unassigned  
Filed: March 16, 2001 :  
: Date: July 30, 2001  
For: Data Transmission :  
Protocol And Visual :  
Display for a Networked :  
Computer System :  
:  
X

RECEIVED  
AUG 03 2001  
Technology Center 2100

Commissioner for Patents  
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT

Sir:

Applicant respectfully requests that the following information related to commercial sales of products embodying a portion of the present invention be considered and made of record in the above-identified U.S. patent application. Applicant hereby discloses the following events related to shipment of a portion of the invention disclosed and claimed in the above-identified application. It is believed that the disclosure of these events go beyond Applicant's duty to make such disclosure under 37 CFR § 1.56 as the following information is not believed to be material to patentability. Applicant has made such disclosure to avoid any possible appearance of impropriety.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class mail in an envelope addressed to Commissioner for Patents, Washington, D.C. 20231 on July 30, 2001.

Gregory S. Gewirtz

The present application includes claims implemented by a successful on-line role-playing game sold by Applicant under the trademark EVERQUEST.

Applicant completed its technical development of the EVERQUEST product as claimed in the present application in the first quarter of 1999.

The "street" date for sale of the EVERQUEST product was March 16, 1999. Applicant accepted purchase orders approximately one to two months prior to the March 16, 1999 street sale date. Applicant also shipped EVERQUEST CD-ROM discs to certain customers about one to two weeks prior to the March 16, 1999 street date. The customers that received the earlier EVERQUEST product were certain retail establishments that began selling the EVERQUEST product to the public on March 16, 1999.

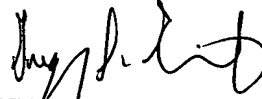
Like the commercial EVERQUEST game, the present invention includes two separable parts. The first part is software sold on CD-ROMs by the retailers to the end users. The second part requires the end user to purchase an on-line subscription so that the EVERQUEST disc can be played through an on-line system with numerous other players. The on-line aspect of the present invention was first sold and made commercially active on March 17, 1999.

The on-line aspect of the present invention includes a unique network of servers that create a virtual reality environment in conjunction with the software provided by the EVERQUEST disks. The on-line aspect of the present invention is a significant portion of all pending claims. Therefore, the earlier sales (prior to March 16, 1999) to certain retailers of the EVERQUEST CD-ROMs without accessibility to the server system was clearly not an on-sale event that is material to patentability.

In the event that any fee is due in connection with the present Information Disclosure Statement, the Commissioner is hereby authorized to charge the same to our Deposit Account No. 12-1095.

Respectfully submitted,

LERNER, DAVID, LITTENBERG,  
KRUMHOLZ & MENTLIK, LLP



GREGORY S. GEWIRTZ  
Reg. No. 36,522

600 South Avenue West  
Westfield, NJ 07090-1497  
Telephone: (908) 654-5000  
Facsimile: (908) 654-7866

320899\_1.DOC